



CITY OF FULSHEAR

30603 FM 1093, P. O. BOX 279, FULSHEAR, TEXAS 77441
PHONE: 281-346-1796 FAX: 281-346-2556

FULSHEAR CITY COUNCIL MINUTES November 16, 2010

I. CALL TO ORDER

A regular meeting of the Fulshear City Council was called to order by Mayor, Thomas C. Kuykendall, Jr. at 7:00 p.m. Tuesday, November 16, 2010 in the Fulshear City Hall, 30603 FM 1093, Fulshear, Texas and all citizens were welcomed.

II. QUORUM

A quorum was present.

MEMBERS PRESENT

Thomas C. Kuykendall, Mayor
Stephen Gill
Larry Beustring
J. B. Collins, Mayor Pro-Tem
Laverne Patterson
Jeff Roberts

STAFF PRESENT

J. Grady Randle, City Attorney
Cheryl Stalinsky, Economic Development Dir.
D. Gordon Offord, City Secretary
C.J. Snipes, City Administrator
Scott Head, Police Chief

MEMBERS ABSENT

None

OTHERS PRESENT

Viola Randle
Carol Davidson
Erma Ridge
Gwen Fox
Russ Cosby
And 18 others who did not sign in

III. INVOCATION

A prayer was given by Pastor Nolan Donald of the Word Serve United Methodist Church, Fulshear, Texas.

IV. PLEDGE OF ALLEGIANCE

Pledge of Allegiance oath was lead by Mayor Thomas C. Kuykendall, Jr.



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V. CITIZEN COMMENTS – NO ACTION CAN BE TAKEN (for matters not on the agenda) –

This provides an opportunity to comment on non-agenda items in advance of the regular business of the City Council. Comments shall be limited to **three (3) minutes** per person. By state law, comments by the Mayor or Council members on any item not on the agenda shall be limited to:

- 1) Statements of specific factual information given in response to any inquiry.
- 2) A recitation of existing policy in response to an inquiry.
- 3) A proposal to place the subject on the agenda for a future meeting.

Two Citizens requested to speak.

Carol Davis stated the LCISD (Lamar Consolidated Independent School District) plans are not in the best interest of the students or the community. She stated that the plans they have will add congestion to our streets. We already have difficulty getting out of our communities. She stated this would mean even longer bus rides for the kids, parents having to leave earlier, and increased traffic. Ms. Davis stated that when kids spend much time on school buses a lot of difficulties arise and she can attest to this and it hampers their ability to function during the day in school. Ms. Davis stated the school board does not want to hear that and this is why she is very disturbed. She stated she is here tonight to ask the City Council to do whatever is in your power to impress on them that this is not healthy for our community. Ms. Davis thanked the Council for listening.

Next speaker, Gwen Fox, and she stated she agreed with comments from Ms. Davis. Ms. Fox stated that she attended the last School Board Meeting and there were a lot of inappropriate comments made after she left which she plans to address at the next school board meeting. Ms. Fox stated that an enormous number of 18- wheelers are travel the Bois D' Arc Road. She stated that the big rigs are loaded with heavy equipment and they take wide turns and for it to pass a school bus filled with little children is scary situation----maybe Chief Head can address this issue----want to ensure that it has been recorded.

VI. CONSENT AGENDA

Items listed under the consent agenda are considered routine and are generally enacted in one motion. The exception to this rule is that a Council Member may request one or more items to be removed from the consent agenda for a separate discussion and action.

- A. CONSENT and APPROVAL of MINUTES from the OCTOBER 19, 2010 MEETING**
- B. CONSENT and APPROVAL on CHECKS PAID and PAYABLES OCTOBER 20, 2010 thru NOVEMBER 16, 2010**
- C. CONSENT and APPROVAL on CREEKSIDE at CROSS CREEK RANCH SECTION 9/PRELIMINARY PLAT**
- D. CONSENT and APPROVAL on CREEKSIDE at CROSS CREEK RANCH SECTION 10/PRELIMINARY PLAT**
- E. CONSENT and APPROVAL on FIRETHORN DETENTION POND/ WEST of FM 1463/ PRELIMINARY PLAT**
- F. CONSENT and APPROVAL on FIRETHORNE FIRE STATION/ WEST of FM 1463, NORTH of FUTURE CROSS OVER ROAD, SOUTH of FIRETHORNE SECTION 7 and SECTION 9**

A motion was made by Alderman Beustring to approve all items on the consent agenda as presented.



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It was seconded by Alderwoman Patterson.

Alderman Gill requested that the motion be amended to exclude the payment to Bono Brothers for sludge hauling.

Alderman Beustring amended the motion. Alderman Beustring re-stated the motion to approve all items on the consent agenda as presented with the exception of payment to Bono Brothers from the list of payables. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts and Alderwoman Patterson

Nays: None

VII. REPORTS

Reports are presented to Council for informational purposes only and no action may be taken on any item contained in a report with a specific actionable item listed under Business Items.

A. REPORT from SOUTHWEST WATER COMPANY (Repairs, New installations and report to TCEQ)

B. REPORT from the POLICE DEPARTMENT (Traffic Citations, arrests, incidents, calls for service)

C. REPORT from the MUNICIPAL COURT CLERK (Fees and Fines)

- A. Report from Southwest Water Company was presented by Jason Demel
- B. Report from the Police Department was presented by Police Chief Scott Head.
- C. Report from the Municipal Court was presented by Elaine Brown, Municipal Court Clerk.

VIII. BUSINESS

A. CONSIDERATION and POSSIBLE ACTION to RESCIND DEVELOPMENT INVOICES RELATED to EXPANSION of WATER and WASTE WATER UTILITIES along FM 1093 to LCISD PROJECT SITE

A motion was made by Alderman Gill to rescind all development invoices related to the expansion of water and waste water utilities along FM 1093 including to the LCISD project site. It was seconded by Alderman Beustring. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts and Alderwoman Patterson

Nays: None

- B. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE 2010-1024 an ORDINANCE of the CITY of FULSHEAR REPEALING and REPLACING ORDINANCE NO. 1982-574 CONCERNING the ABATEMENT of PUBLIC HEALTH NUISANCES, UNSIGHTLY and UNSANITARY CONDITIONS on PROPERTY within the CITY LIMITS providing for DEFINITIONS; INSPECTION; NOTICE of VIOLATION; ABATEMENT MEASURES and EXPENSES; ASSESSMENT of LIEN; CRIMINAL PENALTIES with a MAXIMUM CRIMINAL PENALTY of \$2,000 for VIOLATION; LIABILITY; REPEALER; SEVERABILITY; and EFFECTIVE DATE**



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A motion was made by Alderman Gill to approve Ordinance No. 2010-1024. It was seconded by Alderman Beustring. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts and Alderwoman Patterson

Nays: None

- C. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE NO. 2010-1025 an ORDINANCE of the CITY of FULSHEAR REPEALING and REPLACING ORDINANCE NO. 2001-877 an ORDINANCE DECLARING JUNK VEHICLES a NUISANCE and PROVIDING for the ABATEMENT of SAME; also PROVIDING DEFINITIONS; INSPECTION; NOTICE of VIOLATION; DISPOSAL; CRIMINAL PENALTIES not to EXCEED \$200 for VIOLATION; LIABILITY; REPEALER; SEVERABILITY and EFFECTIVE DATE**

A motion was made by Alderman Collins to approve Ordinance No. 2010-1025. It was seconded by Alderman Beustring. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts and Alderwoman Patterson

Nays: None

- D. CONSIDERATION and POSSIBLE ACTION to APPROVE ORDINANCE 2010-1026 an ORDINANCE of the CITY of FULSHEAR REPEALING and REPLACING ORDINANCE NO. 2002-880 CONCERNING the PROCEDURES for the REGULATION and ABATEMENT of PUBLIC NUISANCES caused by SUBSTANDARD BUILDINGS or STRUCTURES within the CITY; DEFINING SUBSTANDARD BUILDINGS and STRUCTURES; PROVIDING for NOTICE and a PUBLIC HEARING CONCERNING the CONDITION of such BUILDINGS and STRUCTURES; PROVIDING a PENALTY of an AMOUNT NOT TO EXCEED \$2,000 for EACH VIOLATION of ANY PROVISION HEREOF; REPEALING ALL ORDINANCES or PARTS of ORDINANCES INCONSISTENT or IN CONFLICT HEREWITH; and PROVIDING for SEVERABILITY and EFFECTIVE DATE**

There was some discussion among the Council that violators should be able to have some type of appeal process. A panel will be set up for this process.

A motion was made by Alderman Gill to table this item. It was seconded by Alderman Beustring. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts and Alderwoman Patterson

Nays: None

- E. CONSIDERATION and POSSIBLE ACTION to APPROVE INTER-LOCAL AGREEMENT between the CITY of FULSHEAR and FORT BEND COUNTY for SUBDIVISION REGULATION within the EXTRATERRITORIAL JURISDICTION of the CITY of FULSHEAR**



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A motion was made by Alderman Roberts to approve Inter-Local Agreement between the City of Fulshear and Fort Bend County for Subdivision Regulation with the Extraterritorial Jurisdiction of the City of Fulshear. It was seconded by Alderwoman Patterson. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts and Alderwoman Patterson
Nays: None

F. CONSIDERATION and POSSIBLE ACTION to APPROVE AGREEMENT for FINANCIAL ADVISORY SERVICES with ROBERT HENDERSON of RBC CAPITAL MARKETS

A motion was made by Alderman Gill to approve agreement for Financial Advisory services with Robert Henderson of RBC Capital Markets. It was seconded by Alderman Beustring. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts and Alderwoman Patterson
Nays: None

**IX. EXECUTIVE SESSION-CLOSED SESSION IN ACCORDANCE WITH THE GOVERNMENT CODE
SECTION 551.074, PERSONNEL MATTERS, to DELIBERATE on the APPOINTMENT, EMPLOYMENT,
EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, or DISMISSAL of a PUBLIC OFFICER.**

- 1) CONSIDER APPROVAL on APPOINTMENT of BUILDING OFFICIAL**
- 2) CONSIDER REINSTATEMENT of POLICE OFFICER**

SECTION 551.071, CONSULTATION with ATTORNEY; SPECIFICALLY SUB-SECTIONS:

- 1) WHEN the GOVERNMENTAL BODY SEEKS the ADVICE of its ATTORNEY ABOUT:**

(A) PENDING or CONTEMPLATED LITIGATION; or

(B) A SETTLEMENT OFFER; or

- 2) ON a MATTER in which the DUTY of the ATTORNEY to the GOVERNMENTAL BODY under the TEXAS DISCIPLINARY RULES of PROFESSIONAL CONDUCT of the STATE BAR of TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER.**

DISCUSSION of POSSIBLE LEGAL ISSUES RELATED to LCISD PROJECT



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Mayor Kuykendall announced that Council would enter into Executive Session at 8:14 p.m. and quorum was present.

Mayor Kuykendall announced that Council would reconvene back into Regular Session at 9:51 p.m. and quorum was present.

XI. RECONVENE AND TAKE ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION IF DEEMED APPROPRIATE

Mayor Kuykendall asked if any action needed to be taken.

A motion was made by Alderman Gill to appoint Michelle Kirchner as the new building inspector for the City of Fulshear. It was seconded by Alderman Beustring.

City Secretary, D. (Diana) Gordon Offord asked about salary information and benefits. Mayor Kuykendall stated he would furnish me with a copy of the job offer sheet.

The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts and Alderwoman Patterson

Nays: None

A motion was made by Alderman Gill to re-instate Cesar Saldana, Police Officer and provide back pay for the time on administrative leave. It was seconded by Alderman Collins. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts and Alderwoman Patterson

Nays: None

XII. Adjourn

A motion was made by Alderman Collins to adjourn at 9:56 p.m. It was seconded by Alderman Beustring. The motion was carried by the following vote:

Ayes: Aldermen Beustring, Collins, Gill, Roberts and Alderwoman Patterson

Nays: None

Mayor, Thomas C. Kuykendall, Jr.

Attest:

City Secretary, D. (Diana) Gordon Offord